

RECEIVED
CENTRAL FAX CENTER
APR 23 2007

Application No.: 10/696,088
Docket No.: FA1062USNA

Page 6

REMARKS

The dependent claims 16 and 17, depending from claim 1 were amended into an independent form to overcome the objection. The meaning of "modifying resins" as claimed in claim 18 is defined in paragraph [0052] of the application as filed and published as US 2004/0131786 as non-aqueous dispersions (NADs). NADs are well known in the art and are also available from commercial sources. One example of such NADs is described in detail in US Pat. 6,350,526. In view of the foregoing amendments, it is respectfully submitted that the foregoing objections should be withdrawn.

Claims 25 and 26 were subject to a provisional non-statutory double patenting rejection. In their response of April 7, 2006 Applicants confirmed that the co-pending application on which the double patenting rejection was based was assigned to the same entity as this application. Applicants would be willing to file terminal disclaimer to overcome said rejection.

The rejection of claims 1-16, 18, 19, 21-27 under 35 U.S.C. § 103 (a) as being obvious over US Patent 5,360,644 to Briggs et al. (hereafter Briggs) in view of pages 167-173 in Rheology Modifiers Handbook (hereafter Handbook), Practical Use and Application by Braun, D. B. and Rosen M. R. (published 2000) is respectfully traversed in view of the following remarks:

As the Examiner indicated, Briggs required epoxy and anhydride in their coating as well as amine catalysis for the base coat. Col. 8, lines 10-30 indicate that the amine is required to catalyze the base coat. See also Examples 1-4, Col. 8, lines 34-65.

Briggs state their reliance, in Col. 3, lines 62-65, on amine in base coats in combination with acid- or anhydride-epoxy clear coats to provide their recited unexpected advantages such as improved chip resistance. The limiting language of independent claims 1 and 25 removes any possibility of amine-epoxy-anhydride combinations in the binder or crosslinker.

Moreover in the Office Action it is admitted that, Briggs, unlike the present invention fail to disclose amorphous silica. It is alleged in the Office Action that the Handbook teaches modifying fumed silica to convert to hydrophobic silica. However, it is not seen why one of ordinary skill in that art substitute the fumed silica of Briggs with the hydrophobic silica absent any teaching in either of the references to do so. In current invention, it was applicants have unexpectedly discovered that the combination of the claimed crosslinkable component and amorphous silica improves "strike in" resistance (see page 11, lines 20 -23 of the

Application No.: 10/696,088

Docket No.: FA1062USNA

Page 7

specification). No such advantages were even contemplated in either of these references, absent which, it is not seen why one of ordinary skill in the would combine these references and even when combined, it would not lead to the currently claimed invention.

In order to further the prosecution, claim 25 has been amended to indicate the improved strike-in resistance of the coating. Support is found on page 11, lines 20 -23 of the specification

The foregoing remarks also apply to the rejection claims 17 and 20.

Conclusion

Applicants respectfully submit that the claim amendments and the distinguishing observations concerning the references overcome the rejections maintained in the final Office Action. Since the "consisting essentially of" wording has been changed to "consisting of" Applicants respectfully submit that declaration evidence called for in the final Office Action is not now necessary.

In view of the foregoing, allowance of the pending claims is respectfully requested.

Respectfully submitted,



SUDHIR G. DESHMUKH
ATTORNEY FOR APPLICANTS
Registration No.: 33,677
Telephone: (302) 992-4385
Facsimile: (302) 992-2533

Dated: April 23, 2007